THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 21642 of 2007

Date:11-10-2007

Between:

Smt.Bangaru Varalakshmi and another

…Petitioners

AND

The District Collector, East Godavari and three others

..

Respondents

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ORDER:

The petitioners seek a writ of mandamus to declare the endorsement dated 10.02.2006 in Ref./A/8874/78, rejecting the request made by them to reconvey the land of an extent of 747 square yards in T.S.No.724/ID of Veerabhadrapuram in Rajahmundry town in their favour, as illegal and arbitrary.

It is stated that the land of the petitioners has been acquired for the purpose of Municipal High School along with other surrounding land and an award has been passed in Award No.6 of 1985, dated 30.07.1985. It is further stated that the said land is not required for the public purpose and therefore, the petitioners made a representation to reconvey the said land in their favour. The said representation has been rejected by the second respondent vide endorsement, dated 10.02.2006. The second respondent rejected the said representation has relying on the judgments of this Court and also the Apex Court.

It is to be noted that once the lands have been acquired by the Government, they vest with the government and therefore, the earlier owners have no legal right to seek for reconveyance whether the lands are being used for the public purpose or not, and it is for the government to make use of the said lands as the government became the owner of the said lands.

It is stated that the matter has been squarely covered by the judgments of the Apex Court in **C. PADMA v. DEPUTY SECRETARY TO THE GOVERNMENT OF TAMIL NADU**[1] and **STATE OF KERALA v. BHASKARAN PILLAI**[2].

In view of the principles laid down by the Apex Court in the aforesaid decisions, I am of the opinion that the writ petition is not maintainable and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

V.ESWARAIAH, J.

Date:11.10.2007
ccm

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1 1997(2) LACC 4(SC)
[2] (1997) 5 SCC 432